

ARTICLE 4. ZONING DISTRICTS

100 Permitted Uses in All Districts.

- A. Off-street parking and loading as required by Article 5.
- B. Accessory and temporary uses and home occupations as permitted by Article 6.
- C. Signs as permitted by Article 7.

101 A-1 Agricultural District. This district is intended (1) to conserve and promote the preservation of productive agricultural land; (2) to permit limited nonagricultural uses and very low-density residences which would not be incompatible to the rural area and require minimum public services; (3) to encourage the compact development of the urban area; and (4) to discourage the effects of “urban sprawl” into the rural areas.

A. Permitted Uses.

1. Single-family detached dwellings, modular, earth-sheltered dwellings, manufactured homes and residential-design manufactured homes.

1-2. Accessory dwellings. (See Section 2-102 for definition of ACCESSORY DWELLINGS.)

2-3. Churches, chapels, temples and synagogues.

3-4. Golf courses, including accessory club houses, but not commercial driving ranges or miniature golf courses.

B. Special Uses.

- 1. Airports, heliports, ultralite landing areas and aircraft landing fields, publicly and privately owned.
- 2. Campgrounds, subject to the following regulations and accompanies by a plot plan:
 - a. Campgrounds shall be utilized only for the accommodations of RV campers and portable single-wide housing structures and under no circumstances shall a campground be utilized for the occupancy of manufactured or mobile homes.
 - b. The tract to be used for a campground shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.

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- c. Campgrounds shall have a minimum area of 1,250 square feet for each space, and maintain a setback of no less than 25 feet from any public road or highway right of way or property line.
 - d. If deemed necessary to screen adjoining property and provide privacy to the campground, a solid or semi-solid fence or wall at least six feet high, may be required. In lieu of a fence, a landscape buffer may be provided not less than 20 feet in width and planted with coniferous and other plant materials. The fence or landscape buffer shall be properly maintained by the operator.
 - e. The campgrounds shall have an accessible, adequate, safe and potable water supply and, if a public water supply is reasonably available to the campgrounds, it shall be used. Also, it must have an adequate method for on-site sewage disposal as provided for in these regulations; however, if a public sewer system is reasonably available, it shall be used. (See Section 3-103H for Sewer and Water Facilities.)
 - f. The campground and any service buildings and refuse disposal systems must be maintained in a clean, sanitary condition and kept free of any condition that will harm the health of the occupants of the public or constitute a nuisance.
 - g. Such campgrounds shall only be approved as a special use for a limited time period which may be considered for extension upon reapplication of the zoning case, specifically for the extension period.
3. Cemeteries including crematories and mausoleums.
4. Commercial development of natural resources and extraction of raw materials such as rock, gravel or sand; provided, that fencing may be required where deemed necessary and that it is the intent of these regulations to require an orderly continuing use of all land permitted to be excavated for its resources. At the time an application is made for a special use, the applicant shall submit a general plan for restoration of the area to be excavated or to be used in any way as part of the operations. A special use amendment shall be required for all new or expanded operations or reopening of previously abandoned operations. Information to be submitted with the application includes the following: (See Section 6-101J for temporary permits for County and State extraction of rock, gravel or sand for road or highway projects.)
- a. A plan showing the boundary of the entire tract, vehicular access routes and surfacing, prevailing wind directions, existing and proposed street rights of way, easements, water bodies, mining area and proposed fencing.

- b. A general plan of operation, including blasting hours, removal plan and hours of operation.
 - c. A plan showing the finished topography of the restored areas including grades and slopes.
 - d. A general timing for restoring the various excavation pits and overburden for a continuing use.
 - e. A general description of the methods and materials proposed to provide for a continuing use.
 - f. Amount and type of planting to be done on the restored area or other approved restoration uses or methods.
5. Exhibiting or keeping exotic animals and/or birds either enclosed in a structure or outside. (See Section 2-102 for definition of EXOTIC ANIMALS OR BIRDS.)
6. Event Centers.
- ~~7. Dog kennels for boarding dogs, breeding and training and for hobbies.~~
- ~~8.7.~~ Natural wildlife habitats and reserves open to the public.
- ~~9.8.~~ Privately owned seasonal or temporary or permanent parks and recreational areas such as youth camps, adult and family retreat areas, gun clubs, archery ranges, musical festivals or fishing and hunting preserves.
- ~~10.9.~~ Public buildings erected or land used by any agency of a city, township, county or state government.
- ~~11.10.~~ Riding stables and academies: providing, no structure housing horses shall be located nearer than 500 feet to the boundary of any residential district.
- ~~12.11.~~ Roadside stands for the sale of agricultural products by an operator other than the producer of the product. (See Section 6-101D for seasonal sale of farm products.)
- ~~13.12.~~ Salvage yards, subject to the following conditions:
- a. Located on a tract of land at least 300 feet from a residential district.

- b. The operation shall be conducted wholly within an enclosed, noncombustible building or within an area screened where necessary by a fence or wall at least eight feet high, but not more than 10 feet high. Such fence or wall shall be of uniform texture and color and shall be properly maintained by the owner.
- c. No salvage materials shall be loaded, unloaded or otherwise placed temporarily or permanently outside the enclosed building, fence, wall or within the public right-of-way.
- d. No salvage materials shall be piled higher than the top of the required fence or wall.
- e. Burning or salvage materials shall be subject to applicable county, state and federal laws.

~~14.13.~~ Sanitary landfills, incineration plants, large recycling collection and processing centers, refuse transfer stations and hazardous waste facilities, all publicly and privately owned.

~~15.14.~~ Sexually oriented businesses as defined in K.S.A. 12-770 (A) (2) through (15) that are located in a portable or existing structure for a limited period of time for which the premises is at least 1,000 feet from any: (1) land being used for a public or private school, college, church or park; or (2) building being used for a residence. If such uses are established after such a business is properly approved to operate, the premises shall remain eligible for operating such a business.

~~16.15.~~ Utility and gas compressor stations and water towers, publicly and privately owned. (See Section 3-103F for lot size and bulk regulations.)

~~17.16.~~ Wind energy projects, commercial (CWEP). Sometimes referred to as "Wind Farms". (See Appendix for Special Use Application Criteria.)

~~18.17.~~ Other uses not specifically listed as a permitted, special or conditional use, but which are in keeping with the intent of Section 4-101 and compatible with the uses permitted in Section 4-101A.

C. Conditional Uses.

~~1. Accessory dwellings. (See Section 2-102 for definition of ACCESSORY DWELLINGS.)~~

~~2.1.~~ Bed and breakfast homes and inns.

~~3.2.~~ Boarding and rooming houses.

4.3. RV camper space for lease as an accessory use to a dwelling for a limited time period on land owned by the occupant of the dwelling. Such time period may be considered for extension upon reapplication of the zoning case specifically for the extension period.

D. Lot Site Requirements.

1. Minimum lot area:

a. Residential uses: 160 acres, except for the following:

- (1) All lots existing at the date of the adoption of these regulations which are smaller than 160 acres are declared to be legal, nonconforming lots and, thus, are eligible for zoning permits; provided, that they meet the requirements of the County Sanitary Code. (See Section 8-100A for definition of legal, nonconforming lot.)
- (2) Where natural or man-made topographic features, such as waterways, road or railroad rights of way, or other unavoidable factors, restrict the ability of the applicant to obtain or retain a zoning lot of at least 160 acres, the Zoning Administrator at his or her discretion may allow an adjustment of up to 10% in the size of the lot.
- (3) Smaller lots of not less than five acres for single family residences may be approved for a zoning permit by the Zoning Administrator when all of the following provisions are met:
 - (a) The residence or activities associated with the residence will not force a significant change in or significantly increase the cost of accepted agricultural practices on nearby lands devoted to agricultural use.
 - (b) The residence is situated upon a lot where at least 50% of the lot is generally unsuitable for the production of farm crops or livestock, due to the terrain, adverse soil or land conditions, drainage, flooding, vegetation, location and size or shape of the tract.
 - (c) The applicant must be able to demonstrate the availability of water and the suitability of the site for compliance with the County Sanitary Code before a zoning permit will be issued.
- (4) Historical dwelling sites: A parcel of at least five acres may be eligible for a permit for a single family residence where: (1) there is an abandoned residence and/or outbuildings or remnants of such structures; and (2) there

is evidence of previously used utility hookups (e.g., electricity, rural water, on-site water and sewage disposal); and (3) at least 70% of the site is not cultivated farmland.

(5) The creation of a smaller lot of not less than five acres to divide off an accessory farm residence from the principal agricultural land use is permitted.

b. Other uses: Three acres.

2. Minimum lot width: 150 feet.

3. Minimum lot depth: 150 feet.

E. Bulk Regulations.

1. Maximum structure height: 45 feet, except grain elevators.

2. Yard requirements:

a. Minimum front yard: 35 feet on all sides abutting a street.

b. Minimum side yards:

(1) Residential: 20 feet.

(2) Other uses: 25 feet.

c. Minimum rear yards: 30 feet.

3. Maximum lot coverage: A building, structure or use may occupy all that portion of a zoning lot not otherwise required for off-street parking, loading or yard requirements.

F. Use Limitations.

1. Outdoor storage shall be permitted as defined by Section 2-102 for goods and materials as accessory uses related to the operation of the principal use as well as the display of new and used goods when the latter is approved as part of a special or conditional use.

102 A-2 Agricultural District. This district is intended (1) to conserve and promote the preservation of productive agricultural land; (2) to permit limited nonagricultural uses and very low or low density nonfarm residences which would not be incompatible to the rural area and require minimum public services or paved road access; (3) to encourage the compact development of the urban area; and (4) to discourage the effects of “urban sprawl” into the rural areas.

A. Permitted Uses.

1. Single-family detached dwellings, earth-sheltered dwellings, manufactured homes, modular homes and residential-design manufactured homes.

~~1-2.~~ Accessory dwellings. (See Section 2-102 for definition of ACCESSORY DWELLINGS.)

~~2-3.~~ Churches, chapels, temples and synagogues.

~~3-4.~~ Golf courses, including accessory club houses, but not commercial driving ranges or miniature golf courses.

B. Special Uses.

1. Any special use allowed in the A-1 Agricultural District, except exhibiting or keeping exotic animals and/or birds and commercial wind energy projects (CWEP).
2. Other uses not specifically listed as a permitted, special or conditional use, but which are in keeping with the intent of Section 4-102 and compatible with the uses permitted in Section 4-102A.

C. Conditional Uses.

1. Any conditional use allowed in the A-1 Agricultural District.

D. Lot Site Requirements.

1. Minimum lot area:
 - a. Residential uses: Any lots allowed in Section 4-101D1a of the A-1 Agricultural District plus smaller lots of not less than five acres for nonfarm residences within one and one-half miles of a paved State or County road.
 - b. Other uses: Three acres.
2. Minimum lot width: 150 feet.

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3. Minimum lot depth: 150 feet.

E. Bulk Regulations.

1. Maximum structure height: 45 feet, except grain elevators.
2. Yard requirements:
 - a. Minimum front yard: 35 feet on all sides abutting a street.
 - b. Minimum side yards:
 - (1) Residential: 20 feet.
 - (2) Other uses: 25 feet.
 - c. Minimum rear yards: 30 feet.
3. Maximum lot coverage: A building, structure or use may occupy all that portion of a zoning lot not otherwise required for off-street parking, loading or yard requirements.

F. Use Limitations.

1. Outdoor storage shall be permitted as defined by Section 2-102 for goods and materials as accessory uses related to the operation of the principal use as well as the display of new and used goods when the latter is approved as part of a special or conditional use.

103 **A-3 Agricultural Transition District.** This district is designed to retain many of its rural characteristics, but to also serve as a transition area to accommodate selected nonagricultural uses and an increasing number of lower density nonfarm residences. Limited public services would be anticipated.

A. **Permitted Uses.**

~~1.~~ Single-family detached dwellings, modular homes, earth-sheltered dwellings, manufactured homes and residential-design manufactured homes.

~~1-2.~~ **Accessory dwellings. (See Section 2-102 for definition of ACCESSORY DWELLINGS.)**

~~2-3.~~ Churches, chapels, temples and synagogues.

~~3-4.~~ Golf courses, including accessory club houses, but not commercial driving ranges or miniature golf courses.

~~4-5.~~ Public and private schools: educational buildings for primary, intermediate and secondary schools including administrative centers, transportation centers, recreation areas, spectator sports facilities and the like. All such uses must be located on land which is platted according to the County Subdivision Regulations.

B. **Special Uses.**

1. Any special use allowed in the A-2 Agricultural District, except commercial development of natural resources and sexually oriented businesses.
2. Animal clinics or hospitals with outside runs when permitted.
3. Commercial auction barns and yards.
4. Commercial storage and/or sale of anhydrous ammonia, propane or butane in bulk and the wholesale storage of gasoline and other manufactured petroleum products above ground level.
5. Rodeo or saddle clubs and riding stables and academies. No structure housing horses shall be located nearer than 500 feet to the boundary of any residential district.

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6. Other uses not specifically listed as a permitted, special or conditional use, but which are in keeping with the intent of Section 4-103 and compatible with the uses permitted in Section 4-103A.

C. Conditional Uses.

1. Any conditional use allowed in the A-2 Agricultural District.

D. Lot Size Requirements.

1. Minimum lot area:
 - a. Residential uses: Five acres. (217,800 square feet).
 - b. Other uses: One acre.
2. Minimum lot width: 140 feet.
3. Minimum lot depth: 150 feet.

E. Bulk Regulations.

1. Maximum structure height: 35 feet.
2. Yard requirements:
 - a. Minimum front yard: 35 feet on all sides abutting a street.
 - b. Minimum side yards:
 - (1) Residential: 15 feet.
 - (2) Other uses: 20 feet.
 - c. Minimum rear yards: 30 feet.
3. Maximum lot coverage: A building, structure or use may occupy all that portion of a zoning lot not otherwise required for off-street parking, loading or yard requirements.

F. Use Limitations.

1. Outdoor storage shall be permitted as defined by Section 2-102 for goods and materials as accessory uses related to the operation of the principal use as well as the display of new and used goods when the latter is approved as part of a special or conditional use.

104 RR-1 Single-Family Rural Residential District. This district is designed to provide for low density rural subdivisions of single-family residences without public sewerage and to allow certain community facilities. It is intended that no uses be allowed in this district that will tend to devalue property for residential purposes or interfere with the health, safety, order or general welfare of persons residing therein. Regulations are intended to control density of population and to provide adequate open space around buildings and structures to accomplish these purposes.

A. Permitted Uses.

1. Single-family, detached dwellings, modular, earth-sheltered dwellings, residential-design manufactured homes and group homes as defined in Section 2-102.
2. Churches, chapels, temples and synagogues.
3. Golf courses, including accessory club houses, but not commercial driving ranges or miniature golf courses.

B. Special Uses.

1. Public buildings erected or land uses by any agency of a city, township, county or state government.

C. Conditional Uses.

1. Accessory dwelling.
2. RV camper space for lease as an accessory use to a dwelling for a limited time period on land owned by the occupant of the dwelling. Such time period may be considered for extension upon reapplication of the zoning case specifically for the extension period.
3. Child care centers and preschool.

4. Utility substations, pumping stations and water towers, publicly and privately owned. (See Section 3-103F for lot size and bulk regulations.)

D. Lot Size Requirements.

1. Minimum lot area:
 - a. Residential uses: Three acres for septic tank and tile field installations and five acres for wastewater lagoons. *
 - b. Other uses: One acre.
2. Minimum lot width: 100 feet.
3. Minimum lot depth: 140 feet.

* Notwithstanding these minimum lot areas, all existing platted lots in this district which are smaller than these minimum areas are declared to be legal, nonconforming lots and, thus, eligible for zoning permits; provided, that the provisions of the County Sanitary Code are met. In the event that a hardship is created by the minimum side yard requirements, the provisions of Section 8-101A2a, b and c may be applied.

E. Bulk Regulations.

1. Maximum structure height: 35 feet.
2. Yard requirements:
 - a. Minimum front yard: 35 feet on all sides abutting a street.
 - b. Minimum side yards:
 - (1) Residential: 15 feet.
 - (2) Other uses: 20 feet.
 - c. Minimum rear yards: 30 feet.
3. Maximum lot coverage: 30%

F. Use Limitations.

1. No outdoor storage shall be permitted as defined by Section 2-102.
2. Animal husbandry, including the maintenance of horses, cows, swine, goats, cats, dogs, rabbits, chinchillas, guinea pigs, pigeons, poultry and the like shall be subject to all applicable ~~county and~~ state health and sanitation requirements.

105 **V-1 Village District.** This district is intended to encourage the continued existence of small unincorporated “villages” by placing very minimal restrictions on their development. No development of new villages is contemplated under these provisions and only fill-in type development of existing villages with low intensity uses is intended.

A. Permitted Uses.

1. Single-family detached dwellings, modular and all types of manufactured and mobile homes on land owned by the home owner.
2. Business uses comparable to the permitted uses listed in the B-1 General Business District as determined by the Zoning Administrator.
3. Industrial uses comparable to the permitted uses listed in the I-1 Industrial District as determined by the Zoning Administrator.

B. Special Uses.

1. Other uses not specifically listed as a permitted, special or conditional use, but which are keeping with the intent of Section 4-105 and compatible with the uses permitted in Section 4-105A.

C. Standards. No restrictions are places on lot size requirements or bulk regulations. County Sanitary Code is still applicable.

106 B-1 General Business District. This district is intended to provide for some of the existing business uses in the rural area and for a limited number of new businesses only when it would appear to be desirable for public convenience to have such a service outside of the existing business areas of cities.

A. Permitted Uses.

1. Animal clinics and hospitals with no outdoor facilities.
2. Bait shops, including hunting and fishing supplies and equipment.
3. Contractor's shops.
4. Construction, oil and agricultural equipment, sales and services.
5. Garden stores, greenhouses and nurseries.
6. Gift, antique and souvenir shops.
7. Marine sales, services and storage.

B. Special Uses.

1. Public buildings erected or land used by any agency of a city, township, county or state government.
2. Crew camps as a principal use developed in conjunction with the permitted, special or conditional uses listed in this district.
3. Other uses not specifically listed as a permitted, special or other conditional use, but which are in keeping with the intent of Section 4-106 and compatible with the uses permitted in Section 4-106A.

C. Conditional Uses.

1. Outdoor storage, display or work area of a permitted use.

D. Lot Size Requirements.

1. Minimum lot area: 40,000 square feet.
2. Minimum lot width: 100 feet.
3. Minimum lot depth: 140 feet.

E. Bulk Regulations.

1. Maximum structure height: 35 feet.
2. Yard requirements:
 - a. Minimum front yard: 35 feet.
 - b. Minimum side yard: 15 feet.
 - c. Minimum rear yard: 15 feet.
3. Maximum lot coverage 40%

F. Use Limitations.

1. All outdoor storage as defined by Section 2-102 and work areas shall be screened from public view, unless approved as a conditional use by the Board of Zoning Appeals including outdoor display areas.
2. No new building shall be used for residential purposes except for the use of the owner or operator of a business located on the premises.

107 I-1 Light Industrial District. This district is intended for light industrial uses which do not require large amounts of land, generate modest amounts of traffic, are consistent with the capacity and availability of public and private services, create limited nuisance effects in the way of odor, smoke, dust, glare, vibration or sounds; and does not encourage the intermixing of residential uses.

A. Permitted Uses.

1. Agricultural feed, seed, grain and fertilizer mixing, sales and storage.
2. Automobile, truck, motorcycle and boat sales, services and refinishing.
3. Assemble, manufacture or repair of electrical and mechanical appliances, instruments and the like.
4. Building material production, storage and sales including manufactured housing.
5. Clothing and textile manufacture.
6. Construction, oil and agricultural equipment distribution, repair, storage and sales.
7. Construction contractor's office, equipment and storage area.
8. Food and meat processing, distribution and storage.
9. Furniture manufacture and repair.
10. Greenhouses.
11. Laundry, dry cleaning and dyeing works.
12. Manufactured products such as bags, bicycles, brooms, brushes, cosmetics, drugs, jewelry, paint, paper goods, plastics, shoes, sporting and office equipment, and the like.

13. Metal fabrication and assembly.
14. Printing and publishing companies.
15. Research laboratories.
16. Sign shops and service.
17. Transportation storage, bus and trucking area.
18. Wholesale businesses, storage facilities and the like.

B. Special Uses.

1. Public buildings erected or land used by any agency of a city, township, county or state government.
2. Bulk storage and sale, but not used as part of a normal manufacturing process, of such items as anhydrous ammonia, oil, gas, explosives and other products which may be considered as highly explosive, combustible or of a volatile nature.
3. Crew camps as a principal use developed in conjunction with the permitted, special or conditional uses listed in this district.
4. Recycling processing centers and large recycling collection centers.
5. Salvage yards. (See Section 4-101B13 for standards.)
6. Other industrial type uses not specifically listed as a permitted, special or other conditional use, but which are in keeping with the intent of Section 4-107 and compatible with the uses permitted in Section 4-107A.

C. Conditional Uses.

1. Asphalt and concrete mixing plants.
2. Retail and service business uses not specifically listed as a permitted, special or other conditional use, but which would provide a particular benefit to the industrial uses and/or serve as a convenience to the employees hereof.

D. Lot Size Requirements.

1. Minimum lot area: 40,000 square feet.
2. Minimum lot width: 100 feet.
3. Minimum lot depth: 140 feet.

E. Bulk Regulations.

1. Maximum structure height: 35 feet exclusive of grain elevator.
2. Yard requirements:
 - a. Minimum front yard: 35 feet on all sides abutting a street.
 - b. Minimum side yard: 10 feet, but if adjacent to a residential district, 20 feet.
 - c. Minimum rear yard: 20 feet, but if adjacent to a residential district, 30 feet.

F. Use Limitations.

1. Outdoor storage as defined in Section 2-102 of goods and equipment must be related to the principal use of the permitted, special and conditional uses.
2. No new building shall be used for residential purposes except that a watchman or custodian may reside on the premises in a residential building or manufactured home. (See Section 3-103L6.)
3. There shall be no emission of dust, noise, odor or vibration which shall be detectable as a nuisance beyond the lot line.

108 I-2 Heavy Industrial District. This district is intended for basic or primary medium sized industries which are not otherwise provided for in other districts and which are not considered compatible with residential and/or commercial activity, but could in some limited way be provided for. Care must be taken in determining their location due to the nature and intensity of the potential uses which may create obnoxious or hazardous environmental conditions and overburden the capacity of public services to perform their function. Access to arterial streets and possible rail sidings would be important considerations.

A. Permitted Uses.

1. Any use permitted in the I-1 Industrial District including cotton ginning.

B. Uses Not Permitted.

1. Acid manufacture.
2. Cement, lime gypsum or plaster of Paris manufacture.
3. Distillation of bones.
4. Explosives manufacture.
5. Fat rendering.
6. Garbage, offal or dead animal incineration or reduction.
7. Glue or soap manufacture.
8. Primary smelting of base metals from ore.
9. Tanning, curing or storage of rawhides or skins.

C. Special Uses.

1. Any special use allowed in the I-1 Industrial District.
2. Crew camps as a principal use developed in conjunction with the permitted, special or conditional uses listed in this district.
3. Public and private hazardous waste facilities.

D. Conditional Uses.

1. Any conditional use allowed in the I-1 Industrial District.

E. Lot Size Requirements.

1. Minimum lot area: 80,000 square feet.
2. Minimum lot width: 140 feet.
3. Minimum lot depth: 200 feet.

F. Bulk Regulations.

1. Maximum structure height: 45 feet, exclusive of grain elevator.
2. Yard requirements:
 - a. Minimum front yard: 35 feet on all sides abutting a street.
 - b. Minimum side yard: 15 feet, but if adjacent to a residential district, 25 feet.
 - c. Minimum rear yard: 25 feet, but if adjacent to a residential district, 35 feet.
3. Maximum lot coverage: 50%

G. Use Limitations.

1. Outdoor storage as defined in Section 2-102 of goods and equipment must be related to the principal use of the permitted, special and conditional uses.

2. No new building shall be used for residential purposes except that a watchman or custodian may reside on the premises in a residential building or a manufactured home. (See Section 3-103L6.)
3. There shall be no emission of dust, noise, odor or vibration which shall be detectable as a nuisance beyond the lot line.

109 FP Floodplain District.

(See Appendix for Floodplain Management Regulations.)